

THERESA A. GIBBONS, Esq. (SBN 191633)  
 523 Octavia Street  
 San Francisco, CA 94102  
 Telephone: (415) 608-3470  
 Oakland: (510) 437-9650  
 Facsimile: (415) 358-4322  
 theresagibbons@comcast.net

Attorney for Petitioner  
 KRISTINA DAWN LOPEZ

**IN THE UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA**

KRISTINA DAWN LOPEZ,

Petitioner,

vs.

MATTHEW CATE, Secretary of the California  
 Department of Corrections and Rehabilitation, and  
 TINA HORNBEAK, Warden, Valley State Prison  
 for Women, Chowchilla, CA,

Respondents. \_\_\_\_\_

No. C 09-03859 MHP

(Santa Cruz County Superior Court  
 No. F08804)

**REQUEST TO DISMISS  
 WRIT OF HABEAS CORPUS  
 WITH PREJUDICE**

On August 21, 2009, Petitioner Kristina Lopez filed a petition for writ of habeas corpus in this Court pursuant to 29 U.S.C. section 2254 which challenged her 2006 Santa Cruz County Superior Court convictions in case #F08804. On March 11, 2010, this Court granted petitioner's request to stay consideration of the federal petition until her habeas claims were exhausted in the state court. This Court ordered that the petition be administratively closed until the review of the state claims was completed.

The Santa Cruz County Superior Court issued an order to show cause following review of Petitioner's claims. Petitioner then entered into negotiations with the Santa Cruz County District Attorney which resulted in an agreement between the parties to modify Petitioner's sentence in

1 the interests of justice and to resolve the pending petition and end all further litigation in the case.  
2 The parties stipulated to the agreement in open court before the Honorable Paul Marigonda on  
3 October 12, 2010.

4 In accord with the stipulated agreement and in acknowledgment of the sentencing  
5 modification Petitioner entered into with the Superior Court, Petitioner hereby requests that her  
6 petition for writ of habeas corpus filed in this Court be dismissed immediately with prejudice.

7 October 12, 2010  
8 Dated: \_\_\_\_\_

Respectfully submitted,

9  
10 \_\_\_\_\_/s/  
11 THERESA A. GIBBONS, Esq.  
Counsel for KRISTINA DAWN LOPEZ

12 I acknowledge the stipulated agreement reached with the Santa Cruz County Superior  
13 Court in case no. F08804 and have entered into the proposed sentencing modification set forth  
14 therein freely and voluntarily. I believe that accepting the terms of that agreement are in my best  
15 interests, and have not done so as the result of any force, violence, threats, menace, undue  
16 influence or coercion exerted by any person on myself or on anyone dear to me.

17 Accordingly, I respectfully request that the petition for writ of habeas corpus filed in this  
18 Court on August 21, 2009, be dismissed with prejudice.

19 October 12, 2010  
20 Dated: \_\_\_\_\_

Signed: \_\_\_\_\_/s/  
KRISTINA DAWN LOPEZ, Petitioner

**PROOF OF SERVICE -- 1013(a), 2015.5 C.C.P.**

**Re:** *In Re Kristina Dawn Lopez, Petitioner, on Habeas Corpus*, No. C 09-03859 MHP  
(*People v. Lopez*, Santa Cruz County Superior Court Case. #F08804)

I am a citizen of the United States; my business address is 523 Octavia Street, San Francisco, California 94102. I am employed in the City and County of San Francisco, where this mailing occurs; I am over the age of eighteen years and not a party to the within cause. I served the within

**REQUEST TO DISMISS WRIT OF HABEAS CORPUS  
WITH PREJUDICE; PROPOSED ORDER**

on the following person(s) on the date set forth below, by placing a true copy thereof enclosed in a sealed envelope, and serving:

Office of the Attorney General  
455 Golden Gate, Suite 11000  
San Francisco, CA 94102-7004

Kristina Lopez, CDC #x17740  
Valley State Prison for Women  
P.O. Box 92  
Chowchilla, CA 93610 (by hand delivery)

Santa Cruz County District Attorney  
701 Ocean Street, Room 200  
Santa Cruz, CA 95060 (by Facsimile)

\_\_\_ **BY FACSIMILE:**

\_\_\_ **BY MAIL:** By depositing said envelope, with postage thereon fully prepaid, in the United States mail in San Francisco, California, addressed to said party(ies);

\_\_\_ **BY PERSONAL SERVICE:** By causing said envelope to be personally served on said party(ies), as follows:

\_\_\_ **By Federal Express Delivery**                        XX   **By Hand Delivery**

Executed in San Francisco, California on August 13, 2009. I declare, under penalty or perjury, that the foregoing is true and correct.

\_\_\_\_\_  
/s/  
Theresa A. Gibbons

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

KRISTINA DAWN LOPEZ,

Petitioner,

vs.

MATTHEW CATE, Secretary of the California  
Department of Corrections and Rehabilitation, and  
TINA HORNBEAK, Warden, Valley State Prison  
for Women, Chowchilla, CA,

Respondents. \_\_\_\_\_

No. C 09-03859 MHP

(Santa Cruz County Superior Court  
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**~~PROPOSED~~  
ORDER GRANTING  
PETITIONER'S  
REQUEST TO DISMISS  
HABEAS PETITION  
WITH PREJUDICE**

Petitioner KRISTINA DAWN LOPEZ has notified this Court that she has reached a settlement with the Santa Cruz County Superior Court in case #F08804 and has entered into a stipulated agreement to dismiss her pending state habeas petition in return for a modification of her sentence. Accordingly, she requests that this Court dismiss with prejudice the habeas corpus petition filed August 21, 2009, which this Court stayed and administratively closed pending exhaustion of petitioner's state habeas claims.

FOR GOOD CAUSE SHOWN, Petitioner's request is hereby GRANTED. The Petition for Habeas Corpus is dismissed with prejudice.

IT IS SO ORDERED.

Date: 10/18/2010

Signed:

MARILYN H. PATEL  
United States District Court  
Northern District of California

